

Remarks

Claims 1, 2, 9 and 10 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. patent 6,152,879 to Mohler ("Mohler") in combination with U.S. patent 4,947,859 to Brewer et al ("Brewer"). Claims 3-6 and 8 were objected to as being dependent on a rejected base claim but otherwise allowable.

Claim 1 has been amended to correct a grammatical error and not to surrender any claim scope. For the reasons set forth hereinafter, claims 1-10 are allowable over the art cited by the Examiner.

The Examiner cites Mohler as disclosing at least some of the limitations of claim 1, including in particular, an acoustic-electric transducer identified by reference numeral 320, an acoustic coupling identified by reference numeral 322 and a hard back unit identified by reference numeral 302. The Examiner acknowledged that Mohler does not disclose an acoustic coupling that is viscoelastic and tightly engaged with the hard back piece which are limitations the Examiner contends can be found in Brewer. The Examiner contends that "it would have been obvious to...modify Mohler to have the acoustic coupling 3222 made of a viscoelastic unit as taught by [Brewer] for the purpose of improving its performance." The Examiner contends that a "modified" Mohler apparatus would have the transducer 320 "*surrounding* the viscoelastic unit." (Emphasis added.)

In considering whether the Examiner's reasoning for rejecting the claims is sound, it is important to first note that Mohler discloses a planar transducer (element 320 in FIG. 2a or elements 432 and 434 in FIG3). It is also important to note that Brewer *also* discloses a planar transducer (element 16, described in col. 5, lines 45-50 as being a circular or disk-shaped). Stated alternatively, neither of the references cited by the Examiner show any sort of cylindrically shaped viscoelastic member. In other words, neither of the references show any sort of piezoelectric member wrapped around the *lateral* surface of a cylinder-shaped body.

Because claim 1 specifically recites an acoustoelectric transducer member having a piezoelectric member that tightly surrounds the lateral surface of cylindrically-shaped viscoelastic unit, in order for the Examiner to reject claim 1 under §103 on the combination of Mohler and Brewer, it is incumbent on the Examiner to identify where in either of these two references he finds such structure.

Neither Mohler nor Brewer disclose a cylindrically-shaped viscoelastic unit having a piezoelectric member wrapped around a lateral surface. Both of these references disclose *only* planar transducers. It was therefore improper for the Examiner to reject the claims on Mohler and Brewer. The rejection of the claims on these references was improper and should be withdrawn.

Unless the Examiner can identify by column and line number in either of the references, exactly where he finds the teaching of a cylindrically shaped viscoelastic unit having a piezoelectric member wrapped around a lateral surface that is recited in claim 1, claim 1 must be allowed.

Since claim 1 is allowable over the prior art, all claims that depend from claim 1 must also be allowed.

Respectfully submitted,

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